

Founded in 1852
by Sidney Davy Miller



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January 18, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Via Electronic Filing

**Re: CC Docket 96-45; DA 07-4873; OSIRUS COMMUNICATIONS, INC.'S PETITION
FOR WAIVERS OF THE COMMISSION'S RULES TO PARTICIPATE IN NECA
POOLS AND TARIFFS AND TO OBTAIN ACCELERATED USF SUPPORT**

Dear Ms. Dortch,

Enclosed for filing in the above matter are **Osirus Communications, Inc.'s
Comments in Reply** to the January 3, 2008 Comments of Allband Communications
Cooperative.

Osirus Communications' prior counsel filed a "Withdrawal of Counsel" on January 11, 2008. Please note that Miller, Canfield, Paddock and Stone, PLC will henceforth serve as Osirus Communications' counsel in this matter. Osirus Communications' prior counsel also filed a "Motion for Extension of Time for Reply Comments" on January 11, 2008, requesting a two-week extension of the due date to file Reply Comments. By virtue of the attached filing, the Motion is now moot.

Thank you for your assistance in this matter.

Sincerely,

Harvey J. Messing (P 23309)
Michael C. Rampe (P 58189)
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AND STONE, PLC
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LALIB:157100.1\000000-00000

In the Matter of)	
)	CC Docket No. 96-45
OSIRUS COMMUNICATIONS, INC.)	
)	DA 07-4873
Petition for Waiver of the Commission's)	
Rules to Participate in the NECA Pools and)	
Tariffs and to Obtain Accelerated USF Support)	
)	

Nicole E. Roberts, Notary Public
Ingham County, Michigan
My Commission expires on April 28, 2014

Service List
CC Docket No. 96-45

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Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554,

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LALIB:157140.1\136314-00001

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	CC Docket No. 96-45
OSIRUS COMMUNICATIONS, INC.)	
)	DA 07-4873
Petition for Waiver of the Commission's)	
Rules to Participate in the NECA Pools and)	
Tariffs and to Obtain Accelerated USF Support)	
_____)	

**OSIRUS COMMUNICATIONS, INC.
COMMENTS IN REPLY TO**

ALLBAND COMMUNICATIONS COOPERATIVE'S COMMENTS

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January 18, 2008

I. INTRODUCTION

Osirus Communications, Inc. (Osirus) filed its Petition in the above matter on October 2, 2007. In a Public Notice issued on December 4, 2007, this Commission established a pleading cycle permitting interested parties to file comments on Osirus' Petition no later than January 3, 2008, and reply comments no later than January 18, 2008. Allband Communications Cooperative (Allband) filed comments objecting to Osirus' Petition on January 3, 2008. Osirus, through its attorneys, Miller, Canfield, Paddock and Stone, PLC, now files this Reply to Allband's Comments.

For the reasons set forth in this Reply, the Commission should reject the legal positions contained in Allband's Comments. Unfortunately, Allband's arguments rely on the omission of key facts. While Allband understandably would prefer not to discuss such facts, it cannot change the fact that Osirus, and not Allband, was the first local exchange carrier (LEC) in Michigan to (i) apply for a Michigan Public Service Commission (MPSC) license to serve the previously unserved areas at issue, (ii) obtain an MPSC license to serve the areas at issue, and (iii) receive the MPSC's designation to serve as an eligible telecommunications carrier (ETC) in the areas at issue. All the disputed areas became established within Osirus' study area upon receipt of its MPSC license to serve those areas, thereby rendering moot Allband's subsequent claims regarding the same areas. As a result, the Commission must reject Allband's arguments for denial of Osirus' Petition, and reject Allband's request for a declaration of its right "to be treated as an ILEC" in the disputed areas.

II. FACTS

Osirus will not reiterate the factual background set forth in its Petition. However, given Allband's omission of key facts in its Comments, Osirus provides the following timeline of key events relevant to this Reply:

December 2, 2004:	MPSC grants Allband a permanent license to serve the Robbs Creek exchange (Case No. U-14200)
August 11, 2005:	FCC grants Allband's petition for waivers to participate in NECA tariffs and pool, and certification and waiver from regulatory deadlines, with respect to the Robbs Creek exchange.
November 10, 2005:	MPSC designates Allband as ETC for the Robbs Creek exchange (Case No. U-14659)
July 27, 2007:	Osirus files request for MPSC license to serve 8 unserved areas (Case No. U-15356)
August 31, 2007:	Allband files request for MPSC license to serve 7 areas encompassed within the areas requested by Osirus on July 27, 2007 (Case No. U-15385)
September 18, 2007:	MPSC grants Osirus temporary license to serve 8 previously unserved areas (Case No. U-15356) (Order Attached to Petition)
September 24, 2007:	Osirus files request with MPSC for ETC designation in the 8 previously unserved areas (Case No. U-15360)
October 1, 2007:	Osirus files current Petition with FCC
October 9, 2007:	MPSC grants Osirus a permanent license to serve the 8 previously unserved areas (Case No. U-15356) (See Attachment A hereto)
October 25, 2007:	MPSC grants Allband a temporary license to serve 7 areas that the MPSC previously licensed Osirus to serve in the MPSC's September 18 and October 9, 2007 Orders (U-15385) (Attachment #6 to Allband Comments)
November 8, 2007:	MPSC grants Allband a permanent license to serve 7 areas that the MPSC previously licensed Osirus to serve in the MPSC's September 18 and October 9, 2007 Orders (U-15385) (Attachment #7 to Allband Comments)
December 18, 2007:	MPSC designates Osirus as the ETC in 8 previously unserved areas (U-15360) (Attachment B hereto)
December 21, 2007:	Allband files request with MPSC for ETC designation in the 7 areas (U-15492).

III. SUMMARY OF ALLBAND'S ARGUMENTS

Allband bases its opposition to Osirus' Petition on the following contentions:

- (1) Allband had planned to serve all but one¹ of the previously unserved areas described in Osirus' Petition;
- (2) Allband considered all but one of the previously unserved areas to be within its own study area;
- (3) Allband meets the "stricter requirements" of the National Exchange Carriers Association (NECA) to include all but one of the previously unserved areas in Allband's service territory; and
- (4) Allband is already licensed to serve all but one of the previously unserved areas (Allband Comments, p 1).

Allband urges the Commission, based on the above contentions, to deny Osirus' Petition so that Allband, rather than Osirus, can serve the disputed areas as "an ILEC."

The Commission must reject the entirety of Allband's objections to Osirus' Petition. While most of the unserved territories to which Osirus' Petition pertains fall within Allband's planned "Phase 2" expansion, suspiciously absent from Allband's comments is any acknowledgment that, with respect to all the disputed areas, Osirus was the first Michigan LEC to obtain an MPSC license to serve the previously unserved areas. Allband also omits the fact that Osirus was the first LEC to receive designation as an ETC in the previously unserved areas. As explained below, all 8 of previously unserved territories to which Osirus' Petition pertains became established within

¹ The area that Allband does not plan to serve is located in Cheboygan County. See Attachment 2, pages 1 and 2, to Allband's Comments.

Osirus' study area upon receipt of its temporary and permanent licenses from the MPSC.

While Allband did file a request with the MPSC to serve the areas at issue, Allband made this filing after Osirus made its own license filing, and Allband received its temporary and permanent licenses after Osirus had already received its permanent license to serve the previously unserved areas. Moreover, Allband did not request ETC status for the disputed areas until after the MPSC had already designated Osirus as the ETC in the previously unserved areas (Allband's ETC application remains pending before the MPSC).

Despite Allband's many arguments, it cannot change these facts. Osirus has taken all the steps necessary to serve the disputed previously unserved areas, and such areas have been established within Osirus' study area. Consequently, the Commission should:

- (1) Grant Osirus' Petition for the reasons stated therein; and
- (2) Deny Allband's request for a declaration that it is "an ILEC" in the disputed areas.

IV. REPLY TO ALLBAND'S COMMENTS

A. The Eight Previously unserved areas are within Osirus' Study Area

Osirus requested a license to provide local exchange service in 8 previously unserved areas located in the lower peninsula of Michigan on July 27, 2007.² The

² Documents filed in the MPSC's electronic docket in Case No. U-15356 can be viewed at: <http://efile.mpsc.cis.state.mi.us/efile/viewcase.php?casenum=15356>.

Michigan Public Service Commission (MPSC) granted Osirus a temporary license³ to serve the eight unserved areas in an order dated September 18, 2007 in MPSC Case No. U-15356, which the Commission made permanent in an order dated October 9, 2007. No other local exchange carrier was licensed to serve the 8 unserved areas when the MPSC granted the temporary and permanent licenses. In an order dated December 18, 2007 in Case No. U-15360, the MPSC designated Osirus as an eligible telecommunications carrier (ETC) in the 8 previously unserved areas.

The 8 previously unserved areas became established within Osirus' study area when Osirus received its MPSC license to serve them. Osirus has never sought any formal recognition that the 8 previously unserved areas are within its study area; none was required. In 1996, the Common Carrier Bureau (now the Wireline Competition Bureau), concluded that no waiver from the Commission's study area freeze was required in any the following three circumstances:

- (a) a separately incorporated company is establishing a study area for previously unserved territory;
- (b) a company is combining previously unserved territory with one of its existing study areas in the same state; and
- (c) a holding company is consolidating existing study areas in the same state.

In re Request for Clarification by the National Exchange Carriers Association et al. Concerning the Definition of Study Area, 11 FCC Rcd 8646; 1996 WL 15396 (rel'd July 16, 1996), ¶ 9. As reflected in its Petition, Osirus was not required to obtain a study

³ Under the Michigan Telecommunications Act, the MPSC may issue a temporary license to provide local exchange service pending its determination of a license application. MCL 484.2301(2).

area waiver from the Commission because it qualified under exception (a) as a separately incorporated company that established a study area for previously unserved areas.⁴

In *In re Waiver Petitions of Westgate Communications LLC d/b/a WeavTel and Beaver Creek Telephone Co*, 20 FCC Rcd 13,573; 2005 WL 1923578 (rel'd August 11, 2005) (*WeavTel Order*), WeavTel was "a LEC formed under the laws of the state of Washington in 1996" and proposed to serve a previously unserved area (§ 2). Beaver Creek was a new LEC formed in 2004 or earlier to serve some separate unserved areas (§ 5). The Washington Utilities and Transportation Commission authorized both carriers to serve their respective unserved areas (§§ 2, 5). Citing exception (a) above, the Commission concluded that neither company was required to obtain a study area waiver for its operations in the unserved areas:

In the 2004 Skyline Order, the Commission clarified that a carrier must apply for a study area waiver if it seeks to create a new study area within one or more existing study areas. The record demonstrates that the areas in which WeavTel and Beaver Creek intend to construct and operate new exchanges are not within the study area of any incumbent LEC. Accordingly, because WeavTel and Beaver Creek do not intend to create a new study area from within one or more existing study areas, and because they are separately incorporated companies establishing study areas for previously unserved areas, no study area waivers are required to establish new study areas for their proposed exchanges. [*Id.*, § 13 (footnotes omitted; emphasis added)].

Osirus, like WeavTel and Beaver Creek, did not create a new study area from within one or more existing study areas, and is a separately incorporated company that

⁴ Osirus is not aware that the Commission has ever explained the meaning of "separately incorporated company." However, under the Commission's rulings, the fact that a company is incorporated to serve a previously unserved area is sufficient to satisfy exception (a).

established a study area for previously unserved areas. Thus, Osirus was not required to obtain any study area waiver, and the 8 previously unserved areas were established within Osirus' study area when the MPSC's licensed Osirus to serve those areas.⁵

In *In re Adak Eagle Enterprises, LLC Petition for Waivers*, 20 FCC Rcd 20,543; 2005 WL 3590909 (rel'd December 30, 2005) (*Adak Order*) the Commission issued a ruling similar to the *WeavTel Order*. The *Adak Order* clarified that a LEC must file a study area waiver request only when it seeks to create a new study area out of one or more existing study areas. *Adak Order*, fn 21 (citing *In re M&L Enterprises, Inc. d/b/a Skyline Telephone Co, Petition for Waivers*, 19 FCC Rcd 6761; 2004 WL 770186 (rel'd April 12, 2004)). When an area has never received service from a certificated LEC or designated ETC, and is not within any existing study area, no study area waiver is required. *Adak Order*, ¶ 6.

Consistent with the *WeavTel* and *Adak Orders*, Osirus established the 8 previously unserved areas within its study area. No other certificated LEC or designated ETC has ever served the 8 areas. Osirus was the first LEC to obtain a license from the MPSC, and was the first to receive ETC status, in the 8 areas. Osirus did not create a new study area out of one or more existing study areas, but instead established them from previously unserved areas. Thus, the 8 exchanges are in Osirus' study area pursuant to the *WeavTel* and *Adak Orders*.

⁵ *In re South Park Telephone Co, Petition for Waiver*, 13 FCC Rcd 198; 1997 WL 796385 (rel'd December 31, 1997) ¶ 14 (noting that a LEC's service territory is its study area). Osirus' service territory, as set forth in the MPSC's licensing orders, includes the 8 previously unserved areas, and hence they became established within Osirus' study area.

None of the forgoing is news to Allband. Indeed, Osirus is in the same position as Allband when Allband included the then-unserved Robbs Creek exchange in its study area, and requested to be treated as the ILEC in the Robbs Creek exchange. This Commission concluded that Allband was not required to obtain a waiver in order to include the Robbs Creek exchange in its study area:

In the *2004 Skyline Order*, the Commission clarified that a carrier must apply for a study area waiver if it seeks to create a new study area within one or more existing study areas. The record demonstrates that the area in which Allband intends to construct and operate its new exchange is not within the study area of any incumbent LEC. Accordingly, because Allband does not intend to create a new study area from within one or more existing study areas, and because it is a separately incorporated company establishing a study area for a previously unserved area, no study area waiver is required to establish a new study area for its proposed exchange. [*In re Allband Communications Cooperative, Petition for Waivers*, 20 FCC Rcd 13,566; 2005 WL 1923579 (rel'd August 11, 2005) (*Allband Order*), ¶ 10 (footnotes omitted; emphasis added).]

The *Allband Order* thus conclusively settles that all 8 previously unserved areas were established within Osirus' study area, including the areas to which Allband claims to be "an ILEC."⁶

B. Allband Cannot Claim Another LEC's Study Area as its Own.

According to Allband, the Commission should deny Osirus' Petition "because Allband is, as an ILEC, already planning to provide service to seven of the unserved areas for which Osirus has requested waivers . . ." (p 10). As an initial matter, Allband's reference to itself as "an ILEC" is inaccurate; as the *Allband Order* discusses

⁶ Allband states that Osirus used an "outdated exchange boundary map" in its MPSC request to serve the unserved areas, and that such map may have depicted areas falling within an ILEC's study area (Allband Comments, Attachment 2, page 2). Osirus' MPSC license application made clear that it sought only to serve unserved areas. Any implication that Osirus was seeking to serve any part of an ILEC's exchange was inadvertent. Osirus' MPSC tariffs will resolve any ambiguity.

(see ¶ 6), Allband does not meet the statutory definition of ILEC contained in 47 USC 251(h)(1).

More importantly, Allband's sole legal argument in support of its claim to be "an ILEC" in the disputed areas is its theory that it combined "all but one" of the areas with its existing Robbs Creek study area (Allband Comments, p 11). Allband's contention has no legal merit.

Allband relies on exception (b) to the study area waiver requirements in support of its position. Allband does not qualify for exception (b). Under exception (b), a LEC need not obtain a study area waiver when it "is combining previously unserved territory with one of its existing study areas in the same state." *Allband Order*, ¶ 10. This exception, however, does not permit Allband to claim study areas that another LEC—Osirus—has already received a state commission license to serve, and with respect to which has already received ETC designation.

Allband's position has neither factual nor legal support. Allband states that the previously unserved areas "ha[ve] never been included in any exchange carrier's territory" (Allband Comments, p 12). This assertion is false; Osirus received a temporary license from the MPSC to serve the 8 unserved areas on September 18, 2007, and a permanent license October 9, 2007. Osirus has therefore included these unserved areas in its licensed "territory" months before Allband filed its Comments.

Allband's statement that "no ILEC company has been authorized to serve the area" (p 12) has no significance. While not strictly an "ILEC," Osirus is a LEC that is

licensed to serve the previously unserved areas, and thus Allband's emphasis on the fact that no "ILEC" serves the disputed areas is dubious as best.⁷

The primary failure of Allband's claim that it "combined" the disputed areas with its Robbs Creek study area is, of course, that the 7 disputed areas are already within Osirus' study area. Nothing in the *Skyline Order* or any other authority on which Allband relies purports to allow a LEC to combine another LEC's study area with its own.

The NECA memorandum appended as Attachment 8 to Allband's Comments equally disproves Allband's position. The NECA memorandum states:

The Commission further concluded that treating an area as unserved when it was previously within an existing study area - regardless of whether service is currently provided to customers in the area - would be inconsistent with the purpose of the study area freeze. The Skyline Order reiterated that a study area waiver is not required "when a company is combining previously unserved territory with one of its existing study areas in the same state." But, consistent with the clarification of "unserved", it would appear that this only applies to territory that is not within an existing study area. [NECA memorandum, pp 3-4 (footnotes omitted; emphasis added).]

Thus, NECA recognizes that a LEC cannot combine territory with its existing study area where, as here, the LEC seeking to combine the areas (Allband) is seeking to combine areas that are "within an existing study area" of another provider, i.e., Osirus' study area.

The NECA memorandum goes on to state:

⁷ Likewise, Allband's characterization of Osirus as a "CLEC" (p 2) is wrong. Osirus obtained the necessary regulatory approvals to serve the previously unserved areas before Allband. Thus, as requested in its Petition, Osirus should be treated as an ILEC, making Allband the CLEC.

Thus, NECA will not recognize an area as “unserved” unless it has never been included in any exchange carrier’s territory, no company has been authorized to serve the area, and no service in fact is currently provided. [NECA memorandum, p 4 (footnotes omitted; emphasis added).]

Allband fails NECA’s requirements. Allband cannot claim that the 7 disputed areas have “never been included in any exchange carrier’s territory,” because they are included in Osirus’ MPSC licensed territory and study area and Osirus’ (as well as Osirus’ ETC service area). Additionally, Osirus cannot meet NECA’s requirement that “no company as been authorized to serve the area,” because Osirus held an MPSC license in the disputed areas before Allband. Thus, NECA’s memorandum rejects Allband’s attempt to “combine” areas that are already within Osirus’ study area.

C. Allband’s “Phase 2” Plans

Allband discusses throughout its Comments the steps that it has taken toward commencement of operations in Robbs Creek, which it terms “Phase 1.” Allband also states that it began planning in 2007 for a “Phase 2” of its operations to serve the disputed areas (p 8). However, while Allband may have contemplated serving the disputed areas, its plans cannot change the fact that Osirus received its MPSC licenses to serve the disputed areas before Allband, and that Osirus has already received the MPSC’s designation as an ETC in the disputed areas. Moreover, Allband provides no rationale for why Allband’s plans merit preferential treatment over Osirus’ plans, particularly given that Osirus took the initiative to obtain the required licensing prior to Allband.

Importantly, if Allband is serious about serving the disputed areas, its MPSC license still permits it to do so. However, the areas remain in Osirus' study area, and Osirus (not Allband) has the legal claim to be treated as an incumbent in those areas and participate in NECA's pools and tariffs as do ILECs.

V. THE COMMISSION MUST DENY ALLBAND'S REQUEST THAT IT "CLARIFY ALLBAND'S EXISTING STATUS TO BE TREATED AS AN ILEC TO PROVIDE SERVICE TO THE UNSERVED AREAS."

In light of the entirety of the forgoing discussion, Allband's request that the Commission "clarify" its status in the 7 disputed areas is clearly baseless. Allband bases the support for its request on the proposition that "Allband's previously granted waivers are equally applicable for purposes of proceeding to provide service in the unserved areas" (p 13). Allband's contention is not true. The *Allband Order* noted that Allband was not required to obtain a study area waiver in order to receive universal service support in the Robbs Creek exchange, and it granted Allband's request for waivers to receive high cost universal service support in the Robbs Creek exchange, and to participate in NECA's pools and tariffs. Nothing in the *Allband Order* granted Allband any waiver or any special status outside the Robbs Creek exchange. As thoroughly discussed above, the disputed areas are within Osirus', not Allband's, licensed service area and study area.

Finally, Allband's overall position is not logical. Allband's contemplated service in the disputed areas does not appear to have progressed beyond the planning stage. To grant Allband's request based solely on Allband's subjective desires and claim to the previously unserved areas, notwithstanding that Osirus has already received all

MPSC approvals to serve the areas and include them within is study area, would not achieve a reasonable result. Osirus spent considerable time and resources to obtain the necessary regulatory approvals, and must be permitted to carry forth its operations in reliance on them as planned.

VI. CONCLUSION

The Commission should approve Osirus' Petition. Osirus has taken all the steps necessary to serve the disputed previously unserved areas, and such areas are within Osirus' study area. Consequently, the Commission should:

- (1) Grant Osirus' Petition for the reasons stated therein; and
- (2) Deny Allband's request for a declaration of is alleged status as an ILEC in the disputed areas.

January 18, 2008

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LALIB:157050.1\000000-00000

Attachment A

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)	
OSIRUS COMMUNICATIONS, INC.,)	
for a license to provide basic local exchange)	Case No. U-15356
services in eight currently unserved areas in)	
the lower peninsula of Michigan.)	
_____)	

At the October 9, 2007 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
Hon. Monica Martinez, Commissioner
Hon. Steven A. Transeth, Commissioner

OPINION AND ORDER

Osirus Communications, Inc. (Osirus), was granted a license to provide basic local exchange service in the August 1, 2005 order in Case No. U-14494. On July 27, 2007, Osirus filed an application, under the Michigan Telecommunications Act (MTA), MCL 484.2101 *et seq.*, to permanently expand its license to provide basic local exchange service to eight currently unserved areas in Gladwin, Presque Isle, Montmorency, Oscoda, Cheboygan, Ogemaw, and Alcona counties in the lower peninsula of Michigan. Osirus seeks authority to serve only territories within these counties that are currently unassigned and have no access to wireline phone service. Osirus was granted a temporary license expansion on September 18, 2007.

Osirus served a notice of opportunity to comment on other local exchange carriers and all county clerk offices. The comment due date was September 25, 2007. The following three comments were filed with the Commission:

1. Jack Decker commented that Allband Communications Cooperative has filed an application to serve some of the same exchanges, and requests that the Commission not designate either company as the incumbent local exchange carrier (ILEC) until service is offered. He also requested that the Commission question Osirus as to whether it will offer local calling service to adjacent exchanges, and whether broadband service will be offered.

2. Verizon commented that Osirus may not have the equipment necessary to interconnect at Verizon's chosen location.

3. Gary Brooks commented that Osirus will provide superior service and urges the Commission to grant the expansion.

Issues regarding ILEC status and the array of services to be offered, or interconnection negotiation terms, are not relevant to this licensing proceeding, which addresses only whether the company will be granted the opportunity to provide service.

The Commission finds that approval of Osirus' application is in the public interest. The expansion of the license is conditioned on compliance with the anti-slamming procedures adopted in Case No. U-11900, the number portability provisions of the MTA, and the number reclamation process adopted in Case No. U-12703. Further, the expansion of the license is conditioned upon the provision of service to customers in the added exchanges within a reasonable time. Failure to comply fully with those procedures may result in revocation of the license or other penalties.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 *et seq.*; 1969 PA 306, as amended, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 *et seq.*
- b. Amending Osirus' license to provide basic local exchange service is in the public interest.

THEREFORE, IT IS ORDERED that:

A. The license of Osirus Communications, Inc., to provide basic local exchange service is amended to include eight currently unserved areas in Gladwin, Presque Isle, Montmorency, Oscoda, Cheboygan, Ogemaw, and Alcona counties described in its application.

B. Osirus Communications, Inc., shall provide basic local exchange service in accordance with the regulatory requirements specified in the Michigan Telecommunications Act, MCL 484.2101 *et seq.*, including the number portability provisions of Section 358, the anti-slamming procedures adopted in Case No. U-11900, and the number reclamation process adopted in Case No. U-12703.

C. Before commencing basic local exchange service in the areas added to the license by this order Osirus Communications, Inc., shall submit its tariff reflecting the services that it will offer and identifying the additional exchanges in which it will offer service.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Orjiakor N. Isiogu
Chairman

(S E A L)

/s/ Monica Martinez
Commissioner

/s/ Steven A. Transeth
Commissioner

By its action of October 9, 2007.

/s/ Mary Jo Kunkle
Its Executive Secretary

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, pursuant to MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

By its action of October 9, 2007.



Its Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-15356

|
County of Ingham)

E. David Lechler being duly sworn, deposes and says that on October 9th, 2007, A.D. he served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

E. David
Lechler

Digitally signed by E. David Lechler
DN: cn=E. David Lechler, c=US,
o=PSC, ou=PSC,
email=lechlerd1@michigan.gov
Date: 2007.10.17 09:40:05 -04'00'

E. David Lechler

Subscribed and sworn to before me
this 9th day of October 2007

William Brandon

Digitally signed by William Brandon
DN: cn=William Brandon, c=US, o=State
of Michigan, ou=MPSC,
email=brandonw@michigan.gov
Date: 2007.10.17 10:32:32 -04'00'

William Brandon
Notary Public - State of Michigan
County of Ingham
My Commission Expires January 14, 2013
Acting in the County of Ingham

SERVICE LIST FOR DOCKET # U - 15356-

CASE #

DATE OF PREPARATION: 10/09/2007

MS. SHERRIE MAN
OSIRUS COMMUNICATIONS, INC.
212 E. GRAND RIVER AVE.
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MR. HAI JIANG
LOOMIS EWERT PARSLEY DAVIS & GOTTING
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MR. MICHAEL BYRNE
SENATE DEMOCRATIC STAFF
ROMNEY BUILDING
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Attachment B

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter of the application of)
OSIRUS COMMUNICATIONS, INC., for designation)
as an eligible telecommunications carrier pursuant)
to Section 214(e)(2) of the Communications Act of)
1934, as amended.)
_____)

Case No. U-15360

At the December 18, 2007 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
Hon. Monica Martinez, Commissioner
Hon. Steven A. Transeth, Commissioner

OPINION AND ORDER

On September 24, 2007, Osirus Communications, Inc. (Osirus), filed an application, pursuant to Section 214(e)(2) of the federal Communications Act of 1934, 47 USC § 214(e)(2), for designation as an eligible telecommunications carrier (ETC) for purposes of universal service fund (USF) support.

Osirus requests that the Commission enter an order immediately designating it as an ETC in the eight currently unserved areas in Gladwin, Presque Isle, Montmorency, Oscoda, Cheboygan, Ogemaw, and Alcona counties, described in the Commission's October 9, 2007 order in Case No. U-15356. Osirus asserts that the Commission may act on its application without the necessity of a public hearing.

After reviewing Osirus' application, the Commission finds that it should be granted. ETC designation for Osirus promotes competition and is in the public interest. The application filed by Osirus for ETC designation for purposes of receiving USF support is granted on condition that Osirus complies with enhanced service requirements, as required by the FCC Report and Order 05-46, CC Docket 96-45, and the Commission's October 18, 2005 order in Case No. U-14530.

Moreover, the Commission concludes, as it did in its November 20, 2001 order in Case No. U-13145, that it need not solicit comment, which would only further delay action on the application.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, MCL 484.2101 *et seq.*; 1969 PA 306, MCL 24.201 *et seq.*; and the Commission's Rules of Practice and Procedure, 1999 AC, R 460.17101 *et seq.*

b. Osirus' application for designation as an ETC for purposes of USF support should be granted.

THEREFORE, IT IS ORDERED that the September 24, 2007 application filed by Osirus Communications, Inc., for designation as an eligible telecommunications carrier for purposes of universal service fund support is granted.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so by the filing of a claim of appeal in the Michigan Court of Appeals within 30 days of the issuance of this order, under MCL 484.2203(12).

MICHIGAN PUBLIC SERVICE COMMISSION



Orjiakor N. Isiogu, Chairman



Monica Martinez, Commissioner



Steven A. Transeth, Commissioner

By its action of December 18, 2007.



Mary Jo Kunkle, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-15360

County of Ingham)

E. David Lechler being duly sworn, deposes and says that on December 18th, 2007, A.D. he served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.

E. David
Lechler

Digitally signed by E. David Lechler
DN: cn=E. David Lechler, c=US,
o=PSC, ou=PSC,
email=lechlerd1@michigan.gov
Date: 2007.12.19 12:11:33 -05'00'

E. David Lechler

Subscribed and sworn to before me
this 18th day of December 2007

Sharron
Allen

Digitally signed by Sharron Allen
DN: cn=Sharron Allen, c=US,
o=MPSC, ou=Exec. Sec. Section,
email=allens1@michigan.gov
Date: 2007.12.19 12:21:54 -05'00'

Sharron A. Allen
Notary Public, Ingham County, MI
My Commission Expires August 16, 2011

SERVICE LIST FOR DOCKET # U - 15360-
DATE OF PREPARATION: 12/18/2007

CASE #

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